

Community Planning and Economic Development Planning Division Report

Variance Site Plan Review

BZZ-1932

Date: September 13, 2004

Date Application Deemed Complete: August 19, 2004

End of 60 Day Decision Period: October 18, 2004

Applicant: Acky-Calhoun LLC

Address Of Property: 3033 Excelsior Boulevard

Contact Person And Phone: Jason Verrett, 612/339-2190

Planning Staff And Phone: Fred Neet, 612/673-3242

Ward: 13 Neighborhood Organization: West Calhoun Neighborhood Council

Existing Zoning: OR2

Proposed Use: establish a medical facilities use in an existing building

Concurrent Review: variance to increase the permitted size of an existing freestanding sign from 32 to 80 square feet

Appropriate Section(s) of the Zoning Code: Chapter 530 (Site Plan Review) and Section 525.520[21] (Variance)

Background: Fairview Health Services proposes to relocate its Uptown Clinic from Emerson and Lagoon Avenues to the Lake Calhoun Executive Center at 3033 Excelsior Boulevard. Medical facilities require approval of a major site plan review application. In addition, the Executive Center has an existing 80 square-foot freestanding sign which requires a variance from the permitted 32 square feet.

The Executive Center is a 5-story metal and glass, 27,491 square foot structure. A connected companion building to the south is one-story marble with 13,193 square feet and underground parking, constructed as an auditorium, now converted to office uses. Lot area is 212,336 square feet, adjoining a parking area of 60,322 square feet owned by and shared with the Park Board. The parking requirement is 414 stalls; 485 are provided. A conditional use permit was approved in 1989 to allow commercial parking on park property, and the Public Works Department approved the shared parking site plan, also in 1989.

Excelsior Boulevard, designated a Community Corridor, is to the north. Parklands are on the other three sides.

VARIANCE

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The 80-foot monument sign is appropriate toward the northeast corner of the property. The building wall is about 95 feet from Excelsior Boulevard which is over 80 feet wide. The building is several feet above street grade. The property to the east of the sign is undeveloped park land.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The property is nearly 5 acres, on a Community Corridor, and surrounded by parkland on three sides and Excelsior Boulevard on the fourth.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The character of the neighborhood is not affected by the ground-level sign, and will not affect adjacent uses.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The sign has been reviewed without comment by the Public Works, Fire, and Police Departments.

Required Findings for Major Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
 - The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
 - The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
 - Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
 - Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

No exterior changes are proposed. The principal building was constructed in 1955, horizontal to Excelsior Boulevard with extensive fenestration, walkways along two sides, and a single rank of parking between the elevated building wall and the street. Extensive landscaping is provided along the street and elsewhere. The principal entrance faces the street. Surface parking to the west is separated from the street by dense plantings of trees and shrubs. Architectural banding enhances the glass and metal structure. The parking garage is entirely below the grade of the accessory, marble structure attached to the principal structure.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

Compliant walkways are provided. Vehicle-pedestrian conflicts are minimized. No residential uses are adjacent. Snowfall is regularly removed from the site. While impervious surfaces are extensive, so is the landscaping, plus parklands on three sides.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Nearly 35% of the net site is landscaped and includes a 20-foot landscaped front yard along Excelsior Boulevard, screening more than 60% opaque and 3 feet high, 41 trees (31 are required), and approximately 400 shrubs. Parkland, zoned R1, is to the west and south, adjacent to the parking lot which was approved by conditional use permit in 1989 without 6-foot high screening or landscaping of all corners. Additional landscaping far exceeds minimum requirements. Curbing as well as on-site filtration is provided.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.

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Lighting and screening comply. Viewsheds, shadowing, and wind generation are minimized. The Police Department has reviewed and approved the site plan.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards, requires the premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing litter.

Hours of Operation:

Hours of operation allowed under the OR2 zoning are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday.

Dumpster screening:

Section 535.80. Refuse storage containers are located indoors.

Window obstructions:

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Window signs are not indicated.

Signage:

There is an existing 80 square foot freestanding sign on site. This sign is subject to Sections 531 and 543 of the Zoning Code and requires a variance. All new signage is required to meet the requirements of the code.

MINNEAPOLIS PLAN:

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources,

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restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.

The Park Board provides screening on the southern-most extent of the parking lot, and the western-most extent of the parking lot is owned by the Park Board. Elsewhere, including all corners, the landscaping and screening provided by the applicant far exceeds all requirements.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**

Parklands are adjacent to three sides of the property.

- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

RECOMMENDATIONS OF THE COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT PLANNING DIVISION:

Variance

The Department of Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance for a 80 square foot sign at 3033 Excelsior Boulevard.

Site Plan Review

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review of 3033 Excelsior Boulevard; with the following conditions:

- 1) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements, if such improvements exceed \$2000, by December 15, 2004, or the permit may be revoked for noncompliance.
- 2) All site improvements shall be completed by October 1, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

attachments: applicant's statement
 zoning map
 site plan
 landscaping plan aerial photograph
 photographs land use policy map

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